PRESERVED

App. F. IX-4

1938
(C5)

File No. 122-38

Previous References
C5 12-19-1-4

Serial Nos. 1-2

Letter References

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two

Part B for January 1939

SUBJECT.

Amendments to Note I to Quarterly Statement-No 2 sent to Supplemental Statement to the annual Return

S.R-2

To The Registrar, High court

WD 0295—GPB—22,500—18-8-37

MOP-3566 dy 6-1-39

Sanctions the amendments suggested by the High court

Roc. 680/38-39

Enc 1

4050/838

16 DEC 1938

(2)

HIGH COURT OF MYSORE,

BANGALORE, 14 December 1938.

CS 122-38-1

From

T. Shamiengar, Esq., B.A., BL.,
Registrar, High Court of Mysore,

CHIEF SECRETARY'S OFFICE TO GOVT. OF MYSORE 16 DEC 1938

To

Rajasevaprasakta
B.T. Kesavaiengar, Esq., B.A.,
Chief Secretary to the Government of Mysore,
BANGALORE.

Sir,

Reg/N

With reference to the Government Order No.G.12482/Cts. 12-19-4, dated 27-11-1919, sanctioning revised forms of Quarterly Statements Nos. 2 and 5 (Criminal), I am directed to state that at present there is a note at the bottom of Quarterly Statement No.2(Criminal),-printed at page 33 of Volume II of the Criminal Rules of Practice and Circular Orders (1935 Edition),- that "the number of cases pending over two months with the date of the oldest case pending and explanation for the delay should be entered in the Remarks Column". The Judges are of opinion that it is unnecessary to enter in that column the number of cases pending over two months, as Column 7 of the Supplementary Statement, printed at page 34 of the said volume, gives the number of cases two months old and less than six months old and Column 8 the number six months old. The said note below the form of Quarterly Statement No.2 does not make it clear whether the explanation is to be of the delay in all cases pending for more than two months or only of the delay in the oldest case; and it is very seldom that in the Remarks Column room can be found for an effective explanation in respect of even one case.

In recent years one of the most unsatisfactory features of the work of Magistrates' Courts has been the

number of cases allowed to remain unfinished for more than six months; and repeated observations of the Government and the High Court do not appear to have brought home to Magistrates the discredit of allowing a case to be on the file so long or the hardship often so caused to accused persons. The fact that the forms for quarterly returns do not explicitly call for, and provide no space for, explanations of delay in such old cases may contribute to the failure of Magistrates to realise how discreditable such delay is; and the information now given in the returns is not sufficient to enable the High Court to judge in what cases the delay can be excused. The Judges consider that it is necessary to impress upon Magistrates that, in the forms and instructions for quarterly returns that, when a case is six months old and still unfinished, there is something very serious to explain and to require them to give a detailed explanation for each such case with the returns.

It is proposed that the first paragraph of Note 1 printed below the form of Quarterly Statement 2 be struck out and that each Magistrate be required to append to his supplementary statement to Quarterly Statement 2, in column 8 of which he shows the number of cases more than 6 months old, a complete history of each of such cases, showing each date to which the case has been postponed or adjourned, the progress made on each date and the reason for each adjournment. It is considered necessary that these histories should be submitted to the High Court in original by the District Magistrates with their consolidated quarterly returns and their own remarks regarding the delay disclosed by the histories.

The Judges therefore propose to make amendments under Section 554, Code of Criminal Procedure, as shown in the enclosure ~~enclosed~~, and I am to request that the Government may be pleased to sanction them.

I have the honour to be,

Sir,

Your most obedient servant,

J. Shanmugam

REGISTRAR

HBC

ksr/2

G. R. S. App. F VI—G 2]

SUBJECT .....

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Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193* .

Section. C5

File No. 122-38

Serial No. 2

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue..... 6/1 .....1939.

Signed by ..... Dy. R. S. R. Reg N.

Read—

G.O. No G 12482 | Ch 12-19-4 Dy 27-11-1939 Sanctioning revised forms of Quarterly Statements Nos 2 to 5 (Criminal)

2) Letter No RoC 680 | 38-39 Dy 14.12.1938 from the Registrar Udipi Court requesting Sanction to make certain Amendments to Note 1 to Quarterly Statement No 2 (Criminal) and to the Supplemental Statement to Quarterly Return No II (Criminal)

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

~~Order thereon. No.~~

as indicated in the
Appended Statement.

Order no. P 3566/Gen. dtd 6/1/39

Sanctioned

28/12

Chief Secretary to Govt.

To

The Registrar High Court

List of Enclosure

Copied by

Examined by

VD 0523—GPB—22,500—22-3-37

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

Read -

Government Order No.G.12482/Cts.12-19-4 dated 27th November 1919 sanctioning revised forms of Quarterly statements Nos. 2 & 5 (Criminal).

2. Letter No.Roc.680/38-39 dated 14th December 1938 from the Registrar, High Court, requesting sanction to make certain amendments to Note 1 to Quarterly statement No.2 (Criminal) and to the supplemental statement to Quarterly Return No.II (Criminal) as indicated in the appended statement.

Order No. P3566 Cs-122-38-2
Revenue.

Dated, Bangalore, 5th January 1939.

S A N C T I O N E D.

for Chief Secretary to Government.

To

The Registrar, High Court of Mysore.

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In Note 1 to Quarterly Statement No.2 (Criminal) printed on page 33 of Volume II of the Criminal Rules of Practice and Circular Orders, delete the words "Number of cases pending over two months with date of the oldest pending case should be shown in the remarks column with explanation of delay".

2. At the bottom of the Supplemental Statement to Quarterly Return No.II (Criminal), printed at page 34 of Volume II of the Criminal Rules of Practice and Circular Orders, add the following instruction, viz:-

"Each Magistrate will append to this statement a complete history of each case on his file included in Column 8 above, showing the date of institution, each date to which the case has been posted or adjourned, and the progress made on each of those dates, and the reason for each adjournment. These histories will be submitted in original to the High Court by the District Magistrates with the consolidated quarterly district returns and their own remarks regarding the delay disclosed by the histories.

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for Chief Secy to Govt